

## **REMARKS/ARGUMENTS**

Reconsideration of this Application and entry of this Amendment are respectfully requested. Claims 1-8 and 19-24 have been canceled. No new matter has been added by this amendment. With entry of this amendment, claims 9-18 are pending.

### **Title of the Invention**

The Examiner has stated that the title of the invention is not descriptive and that a new title is required. Applicant respectfully disagrees and declines this suggestion because the original title is considered to be an accurate description of the invention and is "as short and specific as possible," as required under 37 C.F.R. § 1.72. Applicant also views the suggestion to provide a new title as unreasonable and unnecessary when considered in comparison to similar titles of recently issued United States patents, of which the following are merely a few examples:

*Valved over-the-wire catheter* (U.S. Patent No. 6,913,596)  
*Occlusion balloon catheter with distal valve* (U.S. Patent No. 6,743,208)  
*Valve for use with a catheter* (U.S. Patent No. 6,544,235)  
*Low profile catheter valve* (U.S. Patent No. 6,355,014)  
*Balloon catheter with valve* (U.S. Patent No. 6,102,891)  
*Valve for pulmonary catheter* (U.S. Patent No. 5,813,402)  
*Self-closing catheter valve* (U.S. Patent No. 5,522,806)

### **Claim Objections**

Claims 1-8 are objected to for having certain informalities. Claims 1-8 have been canceled, rendering this objection moot.

### **35 U.S.C. §102 Rejections in view of Zadno-Azizi (US Patent 6,050,972).**

Claims 1-5, 7-13, and 15-24 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Zadno-Azizi et al. (US Patent 6,050,972). Applicant traverses this rejection because Zadno-Azizi fails to teach all the elements of the claims, as currently amended. Claims 1-8 and 19-24 have been canceled.

Regarding claim 9, Zadno-Azizi fails to teach "the shaft portion comprising a solid round wire having an eccentric channel formed along a side thereof, the channel extending across the inflation hole and being in fluid communication with the central lumen when the valve is open," as now required, in part. The Examiner has mischaracterized the teachings of the embodiment of Zadno-Azizi Figures 1-3 as being a rotary valve wherein biasing spring 37 is considered to apply

torque to the valve and force it to rotate. Zadno-Azizi only teaches biasing spring 37 as pushing in an axial direction. Additionally, even if wire 32 of Zadno-Azizi Figures 1-3 were to be rotated, it would not thereby open and close the valve because the device lacks an eccentric channel, as now required in claim 9.

The embodiment of Zadno-Azizi Figure 12 is also alleged to teach the limitations of claim 9. As stated above, the embodiment of Zadno-Azizi Figure 12 fails to teach “the shaft portion comprising a solid round wire having an eccentric channel formed along a side thereof, the channel extending across the inflation hole and being in fluid communication with the central lumen when the valve is open,” as now required, in part, in claim 9.

Claims 10-13, and 15-18 depend directly or indirectly from claim 9 and are patentable for the same reasons as claim 9. In view of the above amendments and arguments, Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. §102 Rejections in view of Grausz (U.S. Patent No. 4,026,298)

Claims 1, 6, 9 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Grausz et al. (US Patent 4,026,298). Applicant traverses this rejection because Zadno-Azizi fails to teach all the elements of the claims, as currently amended. Claims 1-8 and 19-24 have been canceled. Regarding claim 9, Grausz fails to teach “the shaft portion comprising a solid round wire having an eccentric channel formed along a side thereof, the channel extending across the inflation hole and being in fluid communication with the central lumen when the valve is open,” as now required, in part. Claim 14 depends directly from claim 9 and is patentable for the same reasons as claim 9. In view of the above amendments and arguments, Applicant respectfully requests that this rejection be withdrawn.

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Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (978) 739-3075 (EST).

Respectfully submitted,



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